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Promotion and protection of the rights of children

Security Council
Sixty-fifth year

Letter dated 10 June 2010 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General

I have the honour to transmit the attached memorandum of the Government of Afghanistan regarding your recent report on children and armed conflict (A/64/742-S/2010/181) (see annex).

I have the further honour to request that the present letter and its annex be circulated as a document of the General Assembly, under agenda item 65 (a), and of the Security Council.

(*Signed*) Zahir **Tanin**
Ambassador and Permanent Representative to the United Nations
Islamic Republic of Afghanistan

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Annex to the letter dated 10 June 2010 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General

Memorandum of the Government of Afghanistan regarding the report of the Secretary-General on children and armed conflict

1. The issue of children and armed conflict is of particular relevance and importance for countries like Afghanistan that continue to experience instability and violence. Vulnerable groups, in particular women and children, are often the first victims of conflict, and are often overlooked in traditional peacebuilding or conflict resolution paradigms. Afghanistan fully welcomes the increasing international focus on the protection of children in armed conflict and applauds the work of the Security Council, the Secretary-General and his Special Representative for Children and Armed Conflict in this regard.

2. The Government of the Islamic Republic of Afghanistan reiterates its enduring commitment to the protection of children and to ensuring their full exercise of all rights guaranteed them by the Constitution and laws of Afghanistan and by the international conventions and agreements to which Afghanistan is a party, and in that regard to the full implementation of, inter alia, Security Council resolutions 1612 (2005) and 1882 (2009).

3. The Government of the Islamic Republic of Afghanistan also reiterates its continuing cooperation and engagement with the Office of the Special Representative of the Secretary-General for Children and Armed Conflict. During both visits of the Special Representative to Afghanistan, an initial visit in July 2008 and a subsequent follow-up visit in February 2010, the Special Representative was welcomed personally by the President of the Islamic Republic of Afghanistan and other high-level officials and was given full access to detention centres, training centres and other facilities. In addition, the Government has fully supported the recent establishment of a monitoring and reporting mechanism, the addition of Child Protection Officers to the staff of the United Nations Assistance Mission in Afghanistan (UNAMA), the inclusion of civilian and child protection issues in the UNAMA and the International Security Assistance Force mandates and the assistance of the international community in supporting Afghanistan's ongoing efforts towards better and more effective protection of the rights and needs of children.

4. In this regard, the Government of the Islamic Republic of Afghanistan deeply regrets the inclusion for the first time of the Afghan National Police in annex I to the report as a party to conflict that recruits or uses children in contravention of international law. The Special Representative herself acknowledged in her mission report that "ANP policy is clearly designed to prevent [children being present]".

5. The commitments of the Islamic Republic of Afghanistan regarding recruitment for the Afghan National Security Forces are clear, and meet and surpass the obligations under the Convention on the Rights of the Child and its Optional Protocols. National legislation sets the age of voluntary recruitment for the Afghan National Army at 22, and for the Afghan National Police at 18. Recruitment procedures, in cooperation and conjunction with the international community, and particularly with the recent introduction of biometric verification, are increasingly

systematic and centralized to prevent errors. In addition, the Government of Afghanistan has an ongoing dialogue with the monitoring and reporting mechanism at all levels, including with the Office of the Special Representative, to improve the circumstances and procedures of the Afghan National Police to further protect the rights and safety of children.

6. Unfortunately, the difficult situation in the country continues to threaten the rights and safety of children. Challenges, including lack of enforcement capacity, weak institutions, widespread poverty and illiteracy, combined with incomplete national birth and identity data, can lead to incidents of children being associated with the Afghan National Police. However, and despite these obstacles, the Government of Afghanistan and the Afghan National Police, in cooperation with our international partners and allies, makes every effort to prevent any incidents, and takes immediate action when they are discovered. Indeed, on 10 May 2010, the Ministry of the Interior issued a widely applauded executive order reinforcing the current laws by directly forbidding the recruitment of individuals under 18 years of age into the police forces, providing for the mandatory reintegration of any found within 30 days, and outlining disciplinary action for those responsible. Unfortunate isolated incidents do not indicate any sort of systematic or intentional policy that might justify inclusion in the above-mentioned annex.

7. The Government of the Islamic Republic of Afghanistan has not been provided with any information explaining how the decision was made to include the Afghan National Police in the annex to the report, or what data was used as the basis for such a politically and legally sensitive conclusion. The report makes no mention of the issue beyond one sentence in paragraph 47, which states only that "children also continue to be associated with the Afghan National Police".

8. In addition, the intention to list the Afghan National Police in the annex to the report was not mentioned to the Government of Afghanistan, despite the constructive dialogue that the Permanent Mission of Afghanistan to the United Nations had with the Office of the Special Representative on other issues in the report. The Government of Afghanistan discovered the inclusion of the Afghan National Police in the annex only when the report was distributed to the public.

9. Finally, the inclusion of the Afghan National Police in the annex draws an unjustifiable equivalency between the Afghan National Police and the forces of the Taliban and other terrorist groups, who show a wilful, abhorrent disregard for human life, repeatedly and intentionally targeting women, children, schools and clinics in a campaign of terror and repression, and systematically recruiting children as suicide bombers, extremists and terrorists. In the face of Afghanistan's difficult situation, the Afghan National Police has an almost impossible task, often fighting on the front lines against a brutal enemy, facing the highest casualty rate among Afghan security forces and dealing with chronic under-resourcing and insufficient training. Their inclusion in this list devalues and undermines the joint efforts of the Government of Afghanistan, the international community and the men and women of the Afghan National Police to build a strong, effective, responsive and capable force dedicated to upholding the rule of law and protecting the people of Afghanistan.